

REMARKS

This amendment is made pursuant to 37 C.F.R. § 1.173, and not § 1.121(b) because this is a reissue application. Subparagraph (b)(2) of § 1.173 does not require a listing of all pending claims, but only the text of each claim being **changed or added** by the amendment.

5 Accordingly, since no amendments are made herein to pending claims 4, 6, 10, 12-15, 20-22, 24-28, 30, 32, 38-39, 43, 45-46, 48-51, 53-61, 64-68 or 70-74, they are not included in the amendments to the claims beginning on page 3 of this paper.

It is to be noted that the *only* changes to the following claims were to add indentations pursuant to 37 C.F.R. § 1.75(i) as required by the examiner: 1-3, 5, 7-9, 11, 23,
10 and 29. The following claims were clarified as suggested by the examiner, sometimes also including indentations: 19, 31, 35-37, and 40-42.

Pursuant to MPEP § 1453, all claims presented in a subsequent amendment, such as this, must be made relative to the patent specification in effect as of the date of the filing of the reissue and not relative to any prior amendment. In this case, the specification in effect
15 as of the date of the filing of the reissue included 15 claims. A preliminary amendment was filed with the reissue application amending claims 2 and 9, and adding new claims 16-32. A subsequent amendment made further amendments to several of claims 16-32, and also added new claims 33-75.

With regard to claims 16-75, because all of the text of these claims is “new” (even
20 if amended herein) all of that text must be underlined in the amendments beginning on page 3 of this paper, pursuant to 37 C.F.R. § 1.173(d) and MPEP § 1453. This underlining may

make it difficult for the examiner to distinguish the present amendments from any prior ones. Thus, for the convenience of the examiner, a separate listing of amended claims 16-75 is attached hereto as **Exhibit A** which reflects only the differences between these claims and their immediately prior versions.

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Recapture under 35 U.S.C. § 251

The examiner has rejected claims 16-18, 33-34, 62 (and dependent claims 63-68) and 69 (and dependent claims 71-75) under 35 U.S.C. § 251 as being an improper recapture of broadened claimed subject matter surrendered in the application for the patent upon which the present reissue is based.

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In response, claims 16-18, and 33-34 have been cancelled.

Claim 62 (and claims 63-68) was rejected under 35 U.S.C. § 251 because it omitted the limitation requiring the pad to extend beyond the base panel. This limitation has been added to amended claim 62 herein. Claim 63 has been cancelled; claims 64-68 depend from amended claim 62.

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Claim 69 (and claims 71-75) was rejected under 35 U.S.C. § 251 because it omitted the limitation requiring the cover to fit over the base panel, end walls and side walls, and the limitation that the pad fit on top of the cover. These limitations have been added to amended claim 69 herein. Claim 70 has been cancelled; claims 71-75 depend from amended claim 69.

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Claim Objections

The examiner has objected to claims 18-28, 31-32, 35-37, 41, 47-54 and 69-75 because of various informalities. The applicant appreciates the identification of these informalities which have been corrected in these claims, except for those claims that have
5 been cancelled. An informality in claim 40 was also corrected.

The examiner also objected to claims 1-12, 16-30 and 35-54 under 37 C.F.R. § 1.75(i) which calls for line indentations for each element or step of a claim. To the extent that these claims include multiple elements, indentation has been provided. Indentation was not required for all of these claims; some of these claims were cancelled.

Rejections Under 35 U.S.C. § 112

The examiner has rejected claims 37, 44, 47, 52 and 75 under 35 U.S.C. § 112, first paragraph, as failing to comply with the description requirement. In response, claim 37 has been amended to remove the language concerning an opening in the cover for the night light. Claims 44, 47, 52 and 75 have been cancelled.

Rejections Under 35 U.S.C. § 102(b)

The examiner has rejected claims 69 and 71-75 under 35 U.S.C. § 102(b) as being anticipated by Antosko (U.S. 5,115,524). In response, the applicant has amended base claim 69 to include a fabric cover which is not disclosed in Antosko. Accordingly, this rejection is traversed as to independent claim 69 and dependent claims 71-75.

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Rejections Under 35 U.S.C. § 103(a)

The examiner has rejected claims 33-34, 62-68 and 70 under 35 U.S.C. § 103(a) as being unpatentable over Antosko (US 5,115,524) in view of Linge (US 5,675,853). As indicated previously, claims 33-34, 63 and 70 have been cancelled. Claim 62 has been
5 amended to include the limitation of the pad extending outwardly from the base panel. Neither Antosko nor Linge disclose or teach providing such an extended pad. Thus, claim 62 and dependent claims 64-68 are believed to be in condition for allowance.

The examiner has rejected claims 33-34 and 62-68 under 35 U.S.C. § 103(a) as being unpatentable over Lerner (US 3,336,608) in view of Linge (US 5,675,853). As
10 indicated previously, claims 33-34 and 63 have been cancelled. Claim 62 has been amended to include the limitation of the pad extending outwardly from the base panel. Neither Lerner nor Linge disclose or teach providing such an extended pad. Thus, claim 62 and dependent claims 64-68 are believed to be in condition for allowance.

Allowed Claims

15 The examiner has allowed claims 13-15 and 55-61.

The examiner has indicated that claims 1-12, 17, 19-32 and 35-54 are objected to but would be allowable if rewritten to overcome the previously noted objections. In response, those claims that were not cancelled have been corrected.

Summary


20 A total of 64 claims are now present in this application: 1-15, 19-32, 35-43, 45-46, 48-51, 53-62, 64-69 and 71-74. Eleven claims were cancelled. No new claims were added.

In view of the above, it is submitted that all remaining claims are in condition for allowance. Allowance of these claims at an early date is solicited.

The examiner is encouraged to contact the undersigned by telephone to resolve any outstanding issues concerning this application.

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Respectfully Submitted,

By 
MARK D. MILLER
No. 32,277
Customer No. 25265
Kimble, MacMichael & Upton
5260 N. Palm Ave., Ste. 221
Fresno, California 93704
(559) 435-5500

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